

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts Southern
District of Texas

FILED

July 2, 2022

United States of America

v.

Elijio Lugo (1999/United States)

Case No. 7:22-mj-1291-1

Nathan Ochsner, Clerk of Court

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 1, 2022 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 USC § 952

Illegal Importation of a Controlled Substance / Approximately 1.04 Kilograms
of Heroin a Schedule II Controlled Substance.

This criminal complaint is based on these facts:

See Attachment "A"

☒ Continued on the attached sheet.

Complaint authorized by: AUSA Peter Brostowin

Submitted by reliable electronic means, sworn to
and attested to telephonically per Fed. R. Cr. 4.1,
and probable cause found on:Date: July 2, 2022 at 8:10 a.m.City and state: McAllen, Texas

/s/ Juan Varela

Complainant's signature

Juan Varela, HSI Special Agent

Printed name and title

Judge's signature

Hon. J. Scott Hacker, U.S. Magistrate

Printed name and title

Attachment "A"

I, Juan Manuel Varela Jr., am a Special Agent of the United States Homeland Security Investigations (HSI) and have knowledge of the following facts. The facts related in this attachment do not reflect the totality of information known to me or other agents/officers, merely the amount needed to establish probable cause. I do not rely upon facts not set forth herein in reaching my conclusion that a complaint should be issued, nor do I request that this Court rely upon any facts not set forth herein in reviewing this attachment in support of the complaint.

1. On July 1, 2022, Homeland Security Investigations in McAllen, Texas, (HSI McAllen) received a request for investigative assistance from the U.S. Customs and Border Protection Office of Field Operations at the Hidalgo, Texas Port of Entry (POE). CBP Officers (CBPOs) detained Elijo Lugo (hereafter LUGO), a United States Citizen, while attempting to enter the U.S. with approximately 1.04 kilograms of heroin tucked within his waistband.
2. During primary inbound inspection, CBPOs obtained a negative oral declaration for fruits, food, alcohol, tobacco, drugs, weapons and currency over \$10,000.00 from LUGO. While obtaining a declaration from LUGO, CBPOs conducted a canine open-air sniff search on LUGO's vehicle that yielded a positive alert.
3. CBPOs proceeded to open the doors of LUGO's vehicle and observed a bulge in LUGO's waistband area. CBPOs conducted a pat down on LUGO and located a total of 1 package concealed within LUGO's waistband.
4. CBPOs field tested the substances inside the package, with a presumptive positive result for the characteristics of heroin. CBPOs weighed the package containing suspected heroin, which weighed approximately 1.04 kilograms on a calibrated scale.
5. HSI Special Agents responded to the Hidalgo POE to assist in the investigation. HSI Special Agents interviewed LUGO, who declined to provide a statement.